

***Next Meeting – June 16, 2008 – 1:30 PM
DE Public Archives
Dover, DE***

**STATE COUNCIL FOR PERSONS WITH DISABILITIES
FULL COUNCIL MEETING MINUTES
May 19, 2008 – 1:30 PM
Appoquinimink State Service Center
Middletown, Delaware**

MEMBERS PRESENT

Daniese McMullin-Powell, Chair; Rita Landgraf, Vice Chair; Tom Barlow, Easter Seals; Ray Brouillette, Easter Seals; Susan Ccyk, DSCYF/CMH; Brian Hartman, DLP/DDC; Tony Hortsman, Parent; Connie Hughes, DelARF; Don Moore, CAP; Bob Osgood, Past Chair; Loretta Sarro, DODHH&CODHHE; Liz Schantz, Consumer; Kyle Hodges, Staff and Linda Bates, Support Staff

MEMBERS ABSENT

Cookie Austin, Parent; Brian Bard, Consumer; Regina Byers, GCAAPD; Lisa Furber, State Rehabilitation Council; Kathy Goldsmith, DOE; Bonnie Hitch, DTC; Jim Lafferty, Mental Health Association; Janet Leitch, Consumer; Lora Lewis, DHSS/DPH; Christine Long, DDDS/DHSS; Dan Muterspaw, AAB; Carolanne O'Brien, DOL/DVR; Ann Phillips, Parent; Ginger Stein, MS Society of DE; Wendy Strauss, GACEC;

GUESTS

Rosanne Mahaney, DHSS/DMMA

INTERPRETER

Lois Steele

CALL TO ORDER

Daniese McMullin-Powell called the meeting to order at 1:40 pm.

ADDITIONS DELETIONS TO THE AGENDA

- None.

APPROVAL OF MINUTES

Motion was made, seconded and approved to accept the February 25, 2008 meeting minutes as submitted.

MFP Presentation

Rosanne Mahaney gave an update on Money Follows-the-Person and a letter from CMS to DMMA was provided. A grant for \$5.3 million dollars was received from the Center for Medicare and Medicaid Services (CMS) in May of 2007. The first year was spent in developing the policies and procedures for the program (CMS calls it the Protocol) which have to be submitted before the program is implemented. The Protocol was submitted to CMS the last week of March 2008 and comments were received back on April 28. CMS wants a lot more detail in the protocol. Part of the protocol is case studies that describe how MFP is going to work for those individuals that come out of Delaware facilities. The case studies used were for one individual coming out of a nursing facility; one for an individual coming out of an intermediate care facility (Mary Campbell Center), and one for an individual coming out of Delaware Psychiatric Center. More detail is needed in the case studies. CMS' major concern is that the current community-based waiver programs from DDDS and DSAAPD are not self-directed. However, these two programs are up for renewal in July of 2009 and DMMA will ensure that they incorporate self-direction in these waiver programs. DSAAPDs personal assistance service is self-directed. Individuals will only be on the MFP program for 1 year in the community. DSAAPD currently has a state-funded attendant care program so they could agree to put the MFP candidates on that program; however, there is a waiting list for this program. This is all state funding so the match would be given up under the MFP. Also another CMS concern is that it needs to be documented how we are using the MFP grant to rebalance Delaware's long-term care services overall. The whole purpose of MFP is for the state to spend less money on institutional care and more money on community-based care. The MFP is a small program that will serve 100 people over four years. Rosanne noted that they did have a conference call with CMS on their comments last week and that CMS agreed that this is difficult with such a small program.

Rosanne did not get the sense that the program was in danger. However, there may be a rebalancing obstacle due to the current state financial status. CMS' latest approval date will be June 30 for implementation on July 1.

Rosanne added that DMMA has done other work to prepare for implementation. A RFP has been released for personal assistance services. Proposals have been received from three different agencies. Also, the finishing touches are being put on a RFP on the MFP demonstration service of transition coordinator with a ratio of one coordinator to every eight candidates.

Rosanne added that seven new positions were received to support MFP. The three positions that have been approved to fill are:

- A social service administrator, who will serve as the project director (which is a requirement of CMS), has been hired.
- A Senior Fiscal officer--DSAAPD
- Senior Social Worker Service Case Manager—DSAAPD

The positions below are waiting for permission to fill are:

- Management Analyst III—DMMA
- Nurse 3
- Adm Spec. II
- Community Ombudsman—DSAAPD

Kyle thanked DMMA on the PAS RFP about incorporating the most recent service specifications.

Help America Vote Act

Kyle reported that Elaine Manlove, Commissioner of Elections, was unable to attend. Brian gave an overview. A few years back, the Feds passed the Help America Vote Act (HAVA). Part of it was designed to facilitate voting for persons with disabilities. Each state was required to develop a state plan with input from consumers and to implement that plan with federal funds. Since Delaware's voting machines were mostly accessible, part of the money was spent on a survey of polling places that were operated by private facilities (e.g. churches, fire halls). When that survey was completed, it was determined that had physical barriers. So, modifications to these facilities were funded with these federal dollars. Then, a survey was done on public facilities where a number of physical barriers existed. However, the Department of Elections (DOE) stated in the hand-out that their current plans do not include any modification to public buildings (including schools) as they should be accessible by virtue of their use as a public building. The Department continues to work with these facilities to insure that they are in an accessible area close to parking. Also, the DOE has spent about \$400,000 toward accessibility to date. Over \$7 million in HAVA funds is left which includes accessibility funding.

There may be federal legislation which would mandate that there be paper receipts given from the voting machines which the DE machines do not allow.

Brian recommended that we get clarification on what they intend to do with the \$7 million and what their rationale is in not allowing barrier removal in public buildings with some of these funds.

As noted, Elaine Manlove, the Department of Elections Commissioner, was unable to attend the meeting. However, Kyle had e-mailed her to ask how the \$7 million is spent. Elaine's response (see hand-out for more detail) broad answers are:

- Some funding for accessibility for new polling places
- More training geared toward voters with special needs
- Additional technology investments to improve the way we do our business (mostly through payments to DTI - one initiative is electronic signature that will allow voters who register at DMV to sign a pad that will put their signature on their Voter Registration Application electronically - then send it to Elections)
- Additional investment in voting equipment (specifically new high-volume scanners for absentee ballots - awaiting certification)
- More training for our employees
- Improvements in offices that will result in improved election day operations
- Improved phone system in the Commissioner's office that will provide a more robust system as well as the ability to move all calls from our office to New Castle County (or the other way) should there be a problem at one site or the other.

In addition, we have looked closely at how HAVA mandates have increased our expenses so we are beginning to charge to HAVA:

- Additional warehouse space to accommodate the increased number of machines required by HAVA (this was already being done in NCC)
- The payment for the additional poll worker at each Election District necessitated by the additional machine in each Election District
- The payment for the transportation of the additional voting machine to each Election District
- The energy costs for additional warehouse space
- A proration of personnel costs for our employees who work on voting machines

Elaine and Laura Waterland from the Disabilities Law Program (who was on the HAVA Steering Committee) will both attend the June SCPD meeting.

Kyle stated that since election time is approaching, this is a good time to discuss this issue. If you have any other information or questions to be specifically answered by Elaine, e-mail Kyle. Rita added that it would be good to ask what training is given to their workers for persons with special needs. Connie asked if there is any possibility that there is a timeline on spending the \$7 million. Brian added that as part of the HAVA, the Disabilities Law Program gets some of the funding to do advocacy work. Pamphlets were done this year with some of the funding. Refer persons to the Disabilities Law Program if they have accessibility problems, etc.

SCPD Officer Nominations

A ballot was provided in today's materials to nominate SCPD officers—the Chairperson, Vice-Chairperson and Executive Committee members (5). We agreed in our by-laws that there are no term limits; therefore, everyone in their current position or any other position is eligible for re-election. Kyle cannot be nominated. Please complete today and return to Linda or Kyle.

Gubernatorial Disabilities Forum

A "Save the Date" card is in materials. All are asked to spread the word about the forum. All the organizations involved are listed; DelARF and Connie have been a big help in getting letters out to the candidates and creating the flyers, etc.. Jack Markell and John Carney have confirmed and letters have been sent to Mr. Graham and Bill Lee. Mr. Protack will also receive a letter. Five questions have been provided to Jack. Markell and John Carney to give them ideas of some key disability issues. Also, other background information was sent (the Commission report and the Delaware Interagency Council on Homelessness 10 Year Plan. The forum will be held at DTCC in the Education and Technical Building on July 17 from 5 to 7 pm. Doors will open at 4:30. The "Save the Date" card is on the DelARF website at www.delarf.org; and hopefully by the end of this week, you will be able to register for the forum on the website. You will also be able to submit a question on this website that you would like to ask the candidates. Due to the cost, there will not be a webcast. Kyle will talk to Bonnie Hitch about transportation from New Castle County.

Susan Cycyk offered to look at the possibility of providing daycare at DTCC so the parents can attend. Connie and Kyle thanked Susan for the offer.

Loretta inquired about interpreters. On the registration form, you can indicate your "special needs". However, interpreters for the deaf and hard of hearing will be provided.

Susan announced that there is another forum on "Child's Debate" being sponsored by DeNemours Health Promotion and Prevention Services and the Children's Campaign and about 6 to 10 other organizations to be held on May 28 from 6 to 8 pm at the Gauger-Cobbs Middle School in Newark. If anyone is interested, Susan will get the information.

Legislative Activity

Brian provided in today's materials a copy of a memo regarding Mental Health Legislation (HB No.'s 403, 404, 407, 408 and 419). By way of background, last fall there was a Legislation Committee and a Task Force appointed by the Governor looking at the DE Psychiatric Center's problems. There were a number of recommendations made and in the Spring the House Republicans came up with about 16 bills and resolutions in a package to try and mediate some of the concerns.

Brian drafted HB No.'s 403, 404, 407, 408 and 409--and provided an overview below.

HB 403 - This Bill creates a committee to assess deaths of individuals receiving residential mental health services through the Division of Substance Abuse and Mental Health or funded private providers. The purpose of the Committee is to assess causation; promote improvements in policies, practices, and the service delivery system; and reduce prospects for preventable deaths.

HB 404 - This Bill clarifies the role of the Community Legal Aid Society, Inc. (CLASI), designated for the past 30 years as Delaware's Protection and Advocacy Agency pursuant to federal law, in protecting patients and residents in nursing and similar facilities. As a complement to the existing protective system operated by the Department of Health and Social Services, CLASI is authorized to solicit and investigate reports of abuse, neglect, mistreatment and financial exploitation in covered facilities. Finally, the Bill deters interference and retaliation against persons cooperating with such investigations.

HB 407 - This Bill adds various protections to the Mental Health Patients' Bill of Rights Act, including safeguards in administration of restraint and requirement of an enhanced patient grievance system for DPC patients.

HB 408 - This Bill requires mental hospitals and residential centers covered by the Mental Health Patients' Bill of Rights Act to report deaths and critical incidents to the State Protection & Advocacy Agency which is authorized by federal law to investigate such occurrences.

HB 419 - As the State mental health delivery system evolves from a primarily institutional to a community-based model, it is important to define minimum patient rights in community facilities. This Act establishes a community mental health treatment act with rights paralleling those of patients in the substance abuse treatment system compiled in Chapter 22 of Title 16.

The above bills will be addressed by the legislators in two weeks when they return to session. Motion was made, seconded and approved for SCPD to endorse the above five bills subject to Brian's commentary on the amendments. The vote was unanimous.

SB 174 - This Act requires 16-17 year olds to wear helmets when operating bicycles and motorized scooters and skateboards.

HB 391 - Special education students with classifications of deaf-blind, autism, traumatic brain injury, trainable or severe mental disability, and certain orthopedic disabilities are entitled to 12 month programs upon parental application. To ensure that parents are aware of this option, this bill requires public schools to identify eligible classifications in their standard IEP forms and document such disclosure to parents of eligible children.

HB 355 - This bill requires individual and group health insurance contracts to provide coverage for hearing aids of up to \$1,000.00 per ear, every three years, for covered dependents less than 25 years of age.

SB 151 - This Bill eliminates the requirement for a person with a permanent disability to obtain a new physician's certification in order to have his or her special license plate or parking permit renewed. The individual with a disability shall be required to provide written confirmation that he or she continues to require the special license plate for the reasons stated when it was initially issued.

Kyle will check on the implementation date of this bill and if there is going to be a form.

SB 227 - This bill creates a "gold alert" program for local, regional, and statewide notification of a missing senior citizen, missing suicidal person, or a missing person with a disability.

HB 359 - This Bill expands Delaware's Public Assistance Code to provide preventative and urgent dental care to all eligible Medicaid recipients. Payments for preventative or urgent dental care treatments shall be subject to a \$10.00 recipient co-pay and the total amount of dental care assistance provided to an eligible recipient shall not exceed \$1,000.00 per year, except that an additional \$1,500.00 may be authorized on an emergency basis for urgent dental care treatments through a review process established by the State Dental Director.

The fiscal note on this bill is: FY '09--\$250,000 (one time system cost); State Federal Medicaid share is \$2.3 million; FY '10-4.85 million and FY '11—5.1 million. Kyle can send this information via e-mail to anyone interested.

SB 200 - This Act removes the provision that participants in the Delaware Healthy Children Program pay a premium to participate, while allowing the Department of Health and Social Services to consider instituting minimal co-payments for health services in order to recover a portion of the revenue that would be lost due to the absence of premium payments. Removing the premium payment may reverse declining enrollment in the Program and increase the number of children in Delaware who have health insurance coverage.

S. 1050 - would require the federal Architectural Accessibility Board to publish standards to ensure the accessibility of medical diagnostic equipment. In addition, it would establish a wellness grant program for persons with disabilities and enhance training in provision of medical services to persons with disabilities.

Ginger asked if once these standards are promulgated, would physicians be required to have accessible medical diagnostic equipment. Kyle will research the answer.

Universal Design Legislation – Rep. Maier will be introducing legislation which adopts sections of Missouri legislation which required incorporation of accessible features in newly constructed or rehabilitated “affordable housing units”.

Kyle stated that we will be reviewing this bill once it is introduced.

Kyle reviewed the following analysis from Brian’s memo—

- DDDS Final Eligibility Regulations [11DE Reg. 1237 (March 1, 2008)]
- DMMA Proposed Medicaid Buy-in Program Regulations [11DE Reg. 1316 (April 1, 2008). Kyle reported that this initiative may have a “delayed” implementation date.
- HRC Prop. Equal Accommodations & Fair Housing Regs. [11 DE Reg. 1357 (April 1, 2008)]
- DMV Proposed Use of Translators Regulations [11 DE Reg. 1460 (May 1, 2008)]

Loretta will bring this up at the CODHHE meeting this week.

PAS Update

Tom Barlow gave an overview of today’s hand-out. In the beginning of the fiscal year, \$400,000 in tobacco funds was appropriated to address the waiting list in this program. By about November, this was done.

FY 08 Caseload Tracking.

| | |
|-------------------|---|
| 6/30/07: | 56 |
| New Cases: | 32 |
| Discharges: | 6 (3 deaths, 1 moved, 1 nursing home, 1 withdrew) |
| Total Served YTD: | 94 |

The waiting list is beginning to grow again—most recent DSAAPD count is 12 persons with high priority need, and 5 persons with medium priority need. None of these people can receive service unless someone leaves the program. The waiting list can be addressed more completely only by additional funds in FY ’10.

Tom added that DSAAPD is looking at how well the hours are currently funded because of State cuts.

Kyle added that the SCPD wrote a letter to Secretary Meconi with concerns that the PAS program does not appear to be serving people with mental illness as required by the statute. Secretary Meconi sent a response on May 12 which does not address Council’s concerns. The Council agreed to wait and address this later or refer it to the Policy and Law Committee.

Committee Reports

Housing Committee—the group has been working on revamping the template under the Governor's Commission. This should be finalized at the June meeting. This will be submitted to the Commission at their July meeting.

Kyle passed out a copy of a Request for Proposal from the DDC. The DDC will provide up to \$15,000 for a contractor to research, compile and place on a website Information on Housing Options for People with Disabilities.

Announcements

The next meeting will be on June 16 at 1:30 pm at the DE Public Archives in DE.

ADJOURNMENT

The meeting was adjourned at 4:00 PM.

Respectfully submitted,

Kyle Hodges
SCPD Administrator

SCPD/minmay08